

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**DAWNETTE ANITA KOPFMAN, aka  
DAWNETTE HOGUE**

Case No. 2011-945  
OAH No. 2011100132

**Registered Nurse License No. 431026  
Nurse Practitioner Certificate No. 7005  
Nurse Practitioner Furnishing Certificate No. 7005**

Respondent .

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **August 20, 2012..**

**IT IS SO ORDERED July 20, 2012.**

A handwritten signature in black ink, appearing to read 'Erin Niemela', written over a horizontal line.

Erin Niemela  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-945

12 **DAWNETTE ANITA KOPFMAN;**  
13 **AKA DAWNETTE HOGUE**  
14 **2032 Richert Avenue**  
**Clovis, CA 93611**

OAH No. 2011100132

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 **Registered Nurse License No. 431026**  
16 **Nurse Practitioner Certificate No. 7005**  
**Nurse Practitioner Furnishing Certificate**  
17 **No. 7005**

18 Respondent.

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
24 Board of Registered Nursing (Board). She brought this action solely in her official capacity and  
25 is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
26 Geoffrey S. Allen, Deputy Attorney General.

27 ///

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2. Respondent Dawnette Anita Kopfman; aka Dawnette Hogue (Respondent) is represented in this proceeding by attorney Jeffrey T. Hammerschmidt, whose address is: 2445 Capitol Street, Suite 150, Fresno, CA 93721

3. On or about August 31, 1988, the Board issued Registered Nurse License No. 431026 (License) to Respondent. The License will expire on September 30, 2012, unless renewed.

4. On or about May 31, 1994, the Board of Registered Nursing issued Nurse Practitioner Certificate No. 7005 (Practitioner Certificate) to Respondent. The Practitioner Certificate will expire on September 30, 2012, unless renewed.

5. On or about December 23, 1994, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate No. 7005 (Furnishing Certificate) to Respondent. The Furnishing Certificate will expire on September 30, 2012, unless renewed.

## JURISDICTION

6. Accusation No. 2011-945 (Accusation) was filed before the Board, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 27, 2011. Respondent timely filed her Notice of Defense contesting the Accusation.

7. A copy of the Accusation is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

8. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration

1 and court review of an adverse decision; and all other rights accorded by the California  
2 Administrative Procedure Act and other applicable laws.

3 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
4 every right set forth above.

5 CULPABILITY

6 11. Respondent admits the truth of each and every charge and allegation in the  
7 Accusation.

8 12. Respondent agrees that her License, Practitioner Certificate, and Furnishing  
9 Certificate are subject to discipline and she agrees to be bound by the Board's probationary terms  
10 as set forth in the Disciplinary Order below.

11 CONTINGENCY

12 13. This stipulation shall be subject to approval by the Board. Respondent understands  
13 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
14 with the Board regarding this stipulation and settlement, without notice to or participation by  
15 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that  
16 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
17 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
18 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
19 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
20 be disqualified from further action by having considered this matter.

21 14. The parties understand and agree that facsimile copies of this Stipulated Settlement  
22 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
23 effect as the originals.

24 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
28

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

3 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Board may, without further notice or formal proceeding, issue and enter the following  
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that the License, Practitioner Certificate, and Furnishing  
8 Certificate issued to Respondent are revoked. However, the revocation is stayed and Respondent  
9 is placed on probation for three (3) years on the following terms and conditions.

10 **Severability Clause.** Each condition of probation contained herein is a separate and  
11 distinct condition. If any condition of this Order, or any application thereof, is declared  
12 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
13 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
14 and enforceable to the fullest extent permitted by law.

15 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
16 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
17 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
18 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
19 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
20 application process.

21 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
22 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
23 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

24 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with  
25 the conditions of the Probation Program established by the Board and cooperate with  
26 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
27 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
28 more than 15 days of any address change and shall at all times maintain an active, current license

1 status with the Board, including during any period of suspension.

2 Upon successful completion of probation, Respondent's License, Practitioner Certificate,  
3 and Furnishing Certificate shall be fully restored.

4 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
5 person at interviews/meetings as directed by the Board or its designated representatives.

6 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
7 practice as a registered nurse outside of California shall not apply toward a reduction of this  
8 probation time period. Respondent's probation is tolled, if and when she resides outside of  
9 California. Respondent must provide written notice to the Board within 15 days of any change of  
10 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
11 returning to practice in this state.

12 Respondent shall provide a list of all states and territories where she has ever been licensed  
13 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
14 information regarding the status of each license and any changes in such license status during the  
15 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
16 license during the term of probation.

17 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit  
18 or cause to be submitted such written reports/declarations and verification of actions under  
19 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
20 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
21 Respondent shall immediately execute all release of information forms as may be required by the  
22 Board or its representatives.

23 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
24 state and territory in which she has a registered nurse license.

25 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
26 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
27 6 consecutive months or as determined by the Board.

28 For purposes of compliance with the section, "engage in the practice of registered nursing".

1 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
2 non-direct patient care position that requires licensure as a registered nurse.

3 The Board may require that advanced practice nurses engage in advanced practice nursing  
4 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

5 If Respondent has not complied with this condition during the probationary term, and  
6 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
7 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
8 extension of Respondent's probation period up to one year without further hearing in order to  
9 comply with this condition. During the one year extension, all original conditions of probation  
10 shall apply.

11 7. **Employment Approval and Reporting Requirements.** Respondent shall obtain  
12 prior approval from the Board before commencing or continuing any employment, paid or  
13 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
14 performance evaluations and other employment related reports as a registered nurse upon request  
15 of the Board.

16 Respondent shall provide a copy of this Decision to her employer and immediate  
17 supervisors prior to commencement of any nursing or other health care related employment.

18 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
19 (72) hours after she obtains any nursing or other health care related employment. Respondent  
20 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
21 separated, regardless of cause, from any nursing, or other health care related employment with a  
22 full explanation of the circumstances surrounding the termination or separation.

23 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding  
24 Respondent's level of supervision and/or collaboration before commencing or continuing any  
25 employment as a registered nurse, or education and training that includes patient care.

26 Respondent shall practice only under the direct supervision of a registered nurse in good  
27 standing (no current discipline) with the Board, unless alternative methods of supervision and/or  
28 collaboration (e.g., with an advanced practice nurse or physician) are approved.

1 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
2 following:

3 (a) Maximum - The individual providing supervision and/or collaboration is present in  
4 the patient care area or in any other work setting at all times.

5 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
6 care unit or in any other work setting at least half the hours Respondent works.

7 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
8 person communication with Respondent at least twice during each shift worked.

9 (d) Home Health Care - If Respondent is approved to work in the home health care  
10 setting, the individual providing supervision and/or collaboration shall have person-to-person  
11 communication with Respondent as required by the Board each work day. Respondent shall  
12 maintain telephone or other telecommunication contact with the individual providing supervision  
13 and/or collaboration as required by the Board during each work day. The individual providing  
14 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
15 patients' homes visited by Respondent with or without Respondent present.

16 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
17 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
18 or for an in-house nursing pool.

19 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
20 registered nursing supervision and other protections for home visits have been approved by the  
21 Board. Respondent shall not work in any other registered nursing occupation where home visits  
22 are required.

23 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
24 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
25 and/or unlicensed assistive personnel on a case-by-case basis.

26 Respondent shall not work as a faculty member in an approved school of nursing or as an  
27 instructor in a Board approved continuing education program.

28 Respondent shall work only on a regularly assigned, identified and predetermined



1 worksite(s) and shall not work in a float capacity.

2 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
3 request documentation to determine whether there should be restrictions on the hours of work.

4 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
5 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
6 months prior to the end of her probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
8 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
9 above required course(s). The Board shall return the original documents to Respondent after  
10 photocopying them for its records.

11 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
12 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
13 amount of \$4,070.00. Respondent shall be permitted to pay these costs in a payment plan  
14 approved by the Board, with payments to be completed no later than three months prior to the end  
15 of the probation term.

16 If Respondent has not complied with this condition during the probationary term, and  
17 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
18 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
19 extension of Respondent's probation period up to one year without further hearing in order to  
20 comply with this condition. During the one year extension, all original conditions of probation  
21 will apply.

22 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the  
23 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
24 and impose the stayed discipline (revocation) of Respondent's License, Practitioner Certificate,  
25 and Furnishing Certificate.

26 If during the period of probation, an accusation or petition to revoke probation has been  
27 filed against Respondent's License, Practitioner Certificate, or Furnishing Certificate, or the  
28 Attorney General's Office has been requested to prepare an accusation or petition to revoke

1 probation against Respondent's License, Practitioner Certificate, or Furnishing Certificate, the  
2 probationary period shall automatically be extended and shall not expire until the accusation or  
3 petition has been acted upon by the Board.

4       13.   **License Surrender.** During Respondent's term of probation, if she ceases practicing  
5 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
6 Respondent may surrender her License, Practitioner Certificate, and Furnishing Certificate to the  
7 Board. The Board reserves the right to evaluate Respondent's request and to exercise its  
8 discretion whether to grant the request, or to take any other action deemed appropriate and  
9 reasonable under the circumstances, without further hearing. Upon formal acceptance of the  
10 tendered license and wall certificate, Respondent will no longer be subject to the conditions of  
11 probation.

12       Surrender of Respondent's License, Practitioner Certificate, and Furnishing Certificate shall  
13 be considered a disciplinary action and shall become a part of Respondent's license history with  
14 the Board. A registered nurse whose license has been surrendered may petition the Board for  
15 reinstatement no sooner than the following minimum periods from the effective date of the  
16 disciplinary decision:

17       (1)       Two years for reinstatement of a license that was surrendered for any reason other  
18 than a mental or physical illness; or

19       (2)       One year for a license surrendered for a mental or physical illness.

20       14.   **Physical Examination.** Within 45 days of the effective date of this Decision,  
21 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
22 assistant, who is approved by the Board before the assessment is performed, submit an  
23 assessment of the Respondent's physical condition and capability to perform the duties of a  
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
25 medically determined, a recommended treatment program will be instituted and followed by the  
26 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
27 to the Board on forms provided by the Board.

28       If Respondent is determined to be unable to practice safely as a registered nurse, the

1 licensed physician, nurse practitioner, or physician assistant making this determination shall  
2 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
3 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
4 immediately cease practice and shall not resume practice until notified by the Board. During this  
5 period of suspension, Respondent shall not engage in any practice for which a license issued by  
6 the Board is required until the Board has notified Respondent that a medical determination  
7 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
8 of this probationary time period.

9 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
10 requirement, Respondent shall immediately cease practice and shall not resume practice until  
11 notified by the Board. This period of suspension will not apply to the reduction of this  
12 probationary time period. The Board may waive or postpone this suspension only if significant,  
13 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
14 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
15 Only one such waiver or extension may be permitted.

16 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

17 Respondent, at her expense, shall successfully complete during the probationary period or shall  
18 have successfully completed prior to commencement of probation a Board-approved  
19 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
20 submitted by the program on forms provided by the Board. If Respondent has not completed a  
21 Board-approved treatment/rehabilitation program prior to commencement of probation,  
22 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
23 If a program is not successfully completed within the first nine months of probation, the Board  
24 shall consider Respondent in violation of probation.

25 Based on Board recommendation, each week Respondent shall be required to attend at least  
26 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
27 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
28 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be

1 added. Respondent shall submit dated and signed documentation confirming such attendance to  
2 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
3 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
4 and/or other ongoing recovery groups.

5       **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
6 completely abstain from the possession, injection or consumption by any route of all controlled  
7 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
8 are ordered by a health care professional legally authorized to do so as part of documented  
9 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
10 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
11 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
12 longer be required, and the effect on the recovery plan, if appropriate.

13       Respondent shall identify for the Board a single physician, nurse practitioner or physician  
14 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
15 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
16 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
17 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
18 considered addictive have been prescribed, the report shall identify a program for the time limited  
19 use of any such substances.

20       The Board may require the single coordinating physician, nurse practitioner, or physician  
21 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
22 medicine.

23       **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
24 random, biological fluid testing or a drug screening program which the Board approves. The  
25 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
26 for keeping the Board informed of Respondent's current telephone number at all times.  
27 Respondent shall also ensure that messages may be left at the telephone number when she is not  
28 available and ensure that reports are submitted directly by the testing agency to the Board, as

1 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
2 program and Respondent shall be considered in violation of probation.

3 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
4 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
5 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
6 hypnotics, dangerous drugs, or other controlled substances.

7 If Respondent has a positive drug screen for any substance not legally authorized and not  
8 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
9 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
10 practice pending the final decision on the petition to revoke probation or the accusation. This  
11 period of suspension will not apply to the reduction of this probationary time period.

12 If Respondent fails to participate in a random, biological fluid testing or drug screening  
13 program within the specified time frame, Respondent shall immediately cease practice and shall  
14 not resume practice until notified by the Board. After taking into account documented evidence  
15 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
16 suspend Respondent from practice pending the final decision on the petition to revoke probation  
17 or the accusation. This period of suspension will not apply to the reduction of this probationary  
18 time period.

19 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
20 of this Decision, have a mental health examination including psychological testing as appropriate  
21 to determine her capability to perform the duties of a registered nurse. The examination will be  
22 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
23 the Board. The examining mental health practitioner will submit a written report of that  
24 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
25 Recommendations for treatment, therapy or counseling made as a result of the mental health  
26 examination will be instituted and followed by Respondent.

27 If Respondent is determined to be unable to practice safely as a registered nurse, the  
28 licensed mental health care practitioner making this determination shall immediately notify the

1 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
2 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
3 practice and may not resume practice until notified by the Board. During this period of  
4 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
5 is required, until the Board has notified Respondent that a mental health determination permits  
6 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
7 probationary time period.

8 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
9 requirement, Respondent shall immediately cease practice and shall not resume practice until  
10 notified by the Board. This period of suspension will not apply to the reduction of this  
11 probationary time period. The Board may waive or postpone this suspension only if significant,  
12 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
13 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
14 Only one such waiver or extension may be permitted.

15 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
16 an on-going counseling program until such time as the Board releases her from this requirement  
17 and only upon the recommendation of the counselor. Written progress reports from the counselor  
18 will be required at various intervals.

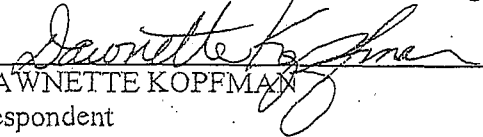
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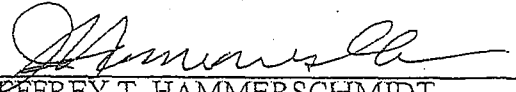
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey T. Hammerschmidt. I understand the stipulation and the effect it will have on my License, Practitioner Certificate, and Furnishing Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 5/21/12  
DAWNETTE KOPFMAN  
Respondent

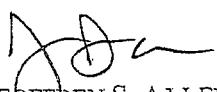
I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5-21-12  
JEFFREY T. HAMMERSCHMIDT  
Attorney for RespondentENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 5/21/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
GEOFFREY S. ALLEN  
Deputy Attorney General  
Attorneys for ComplainantSA2010303477  
10876158.doc

**Exhibit A**

**Accusation No. 2011-945**



1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
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6 Telephone: (916) 324-5341  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-945**

12 **DAWNETTE ANITA KOPFMAN,**  
13 **a.k.a. DAWNETTE HOGUE**  
2032 Richert Avenue  
14 Clovis, California 93611  
Registered Nurse License No. 431026  
15 Nurse Practitioner Certificate No. 7005  
Nurse Practitioner Furnishing Certificate  
16 No. 7005

**ACCUSATION**

17 Respondent.

18 Complainant alleges:

19 **PARTIES/LICENSE INFORMATION**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
22 Department of Consumer Affairs.

23 2. On or about August 31, 1988, the Board issued Registered Nurse License Number  
24 431026 ("RN license") to Dawnette Anita Kopfman, also known as Dawnette Hogue  
25 ("Respondent"). In or about 2008, Respondent's RN license was inactivated. Respondent's RN  
26 license will expire on September 30, 2012, unless renewed.

27 ///

28 ///

1           3.     On or about May 31, 1994, the Board issued Nurse Practitioner Certificate Number  
2     7005 ("NP certificate") to Respondent. In or about 2008, Respondent's NP certificate was  
3     inactivated. Respondent's NP certificate will expire on September 30, 2012, unless renewed.

4           4.     On or about December 23, 1994, the Board issued Nurse Practitioner Furnishing  
5     Certificate Number 7005 ("NPF certificate") to Respondent. In or about 2008, Respondent's NPF  
6     certificate was inactivated. Respondent's NPF certificate expired on September 30, 2010.

7                               STATUTORY PROVISIONS

8           5.     Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
9     the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
10    license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
11    Practice Act.

12          6.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
13    deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
14    to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
15    (b), the Board may renew an expired license at any time within eight years after the expiration.

16          7.     Code section 2761 states, in pertinent part:

17                   The board may take disciplinary action against a certified or licensed  
18                   nurse or deny an application for a certificate or license for any of the following:

19                   (a) Unprofessional conduct . . .

20          8.     Code section 2762 states, in pertinent part:

21                   In addition to other acts constituting unprofessional conduct within the  
22                   meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
                  person licensed under this chapter to do any of the following:

23                   (a) Obtain or possess in violation of law, or prescribe, or except as  
24                   directed by a licensed physician and surgeon, dentist, or podiatrist administer to  
                  himself or herself, or furnish or administer to another, any controlled substance as  
25                   defined in Division 10 (commencing with Section 11000) of the Health and Safety  
                  Code or any dangerous drug or dangerous device as defined in Section 4022 . . .

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(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license . . .

9. Code section 4022 states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a -----," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

10. Code section 4324, subdivision (a), states:

Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.

#### COST RECOVERY

11. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### DANGEROUS DRUG AT ISSUE

12. "Tramadol hydrochloride" is a dangerous drug within the meaning of Code section 4022 in that it requires a prescription under federal law.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Prescription and Self-Administration of Dangerous Drugs)

3 13. Respondent is subject to disciplinary action pursuant to Code section 2761,  
4 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
5 subdivision (a), in that Respondent did the following:

6 **Prescription of Dangerous Drugs:**

7 a. In and between January 2007 and March 2008, while employed as a nurse practitioner  
8 for Richard S. M.D., Respondent prescribed the dangerous drug Tramadol for her personal use, as  
9 follows: In and between January 2007 and March 2008, Respondent called in numerous false  
10 prescriptions for varying quantities of Tramadol (50 to 60 tablets of the medication in each  
11 instance) to various Walgreen's pharmacies located in Clovis and Fresno, California. Respondent  
12 called in the prescriptions under her name as well as the names of her relatives D. K., K. P., and  
13 D. H. without said persons' knowledge or consent, falsely identified herself as "Cheryl", another  
14 nurse from Dr. Richard S.'s office, and fraudulently represented to pharmacy staff that Dr.  
15 Richard S. had authorized the prescriptions.

16 **Self-Administration of Dangerous Drugs**

17 b. On or about July 21, 2010, Respondent self-administered the dangerous drug  
18 Tramadol without lawful authority therefor, as follows: On July 21, 2010, Respondent was  
19 interviewed by representatives of the Board. Respondent admitted to the Board representatives  
20 that she called in the prescriptions for Tramadol for her personal use, as set forth in subparagraph  
21 (a) above. Respondent also admitted that she began taking Tramadol in approximately 2000, that  
22 she was taking six tablets of Tramadol per day, and that she knew she was taking the medication  
23 too often. Respondent told the Board representatives that she immediately stopped taking  
24 Tramadol upon her termination from Dr. Richard S.'s practice in March 2008. Respondent  
25 repeatedly insisted throughout the interview that she had stopped taking Tramadol and agreed to  
26 provide a urine sample for drug testing. That same day, Respondent underwent a urine drug  
27 screen and tested positive for Tramadol.

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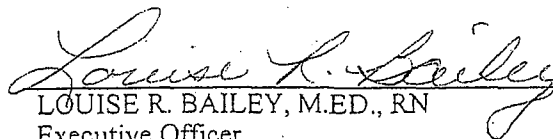


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5. Taking such other and further action as deemed necessary and proper.

DATED:

5/27/2011



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*